

CHAPTER 9

SECTION 10.1D

BENEFICIARY ELIGIBILITY FOR WARDS

Issue Date: July 8, 1998

Authority: [32 CFR 199.3](#), PL. 103-160, and PL. 103-337

I. ISSUE

When are individuals eligible for TRICARE/CHAMPUS as a result of their status as wards?

II. BACKGROUND

Section 703(a)(3) of the National Defense Authorization Act for Fiscal Year 1994 (P.L. 103-160) and Section 701 of the National Defense Authorization Act for Fiscal Year 1995 (P.L. 103-337) extended eligibility to legal wards of members and certain former members. The 1994 Authorization Act defined a ward as an unmarried person who has been placed in the legal custody of a member or former member as a result of a court order for a period of at least twelve consecutive months. The 1995 Authorization Act expanded the definition of a ward to include an unmarried person who has been placed in the home of a member or former member by a placement agency for the purpose of adoption.

III. POLICY

A. Wards. To qualify as a ward the individual must:

1. Be unmarried; and
2. Meet the requirements of paragraphs A.2.a., A.2.b., or A.2.c. below:
 - a. Not have attained the age of 21; or
 - b. Not have attained the age of 23 and be enrolled in a full-time course of higher learning approved by the Secretary of Education; or
 - c. Be incapable of self-support because of a mental or physical incapacity that occurred while the person was considered a family member of the member or former member; and
3. Reside with the member or former member unless separated by the necessity of military service or to receive institutional care as a result of a disability or incapacitation or under such other circumstances as the administering Secretary may prescribe; and

4. Be dependent on the member or former member for over one-half of his or her support; and

5. Not already be a family member of a member or former member under any other category of eligible dependent child as contained in other sections of this chapter.

B. Wards placed by a court.

1. The ward must be placed in the custody of the member or former member for a period of twelve (12) consecutive months or more. Since court orders often do not state an end date, this requirement will be met if the court order provides for indefinite legal custody (i.e., provides no end date) and if the sponsor verifies an intent to maintain legal custody for at least 12 months.

2. The effective date of eligibility for these individuals is as follows.

a. Wards placed in the custody of a former member are eligible for services or supplies provided on the later of July 1, 1994, or the effective date of the legal custody.

b. Wards placed in the custody of a member are eligible for services or supplies provided on the later of October 5, 1994, or the effective date of the legal custody.

C. Wards placed by a placement agency.

1. The placement agency must be recognized by the Secretary of Defense. A recognized placement agency in the United States and/or U.S. territories must be licensed for the purpose of adoption by the state or territory in which the adoption procedures will be completed.

2. These beneficiaries are eligible for services or supplies provided on the later of October 5, 1994, or the date of placement in the home of the member or former member.

IV. POLICY CONSIDERATIONS

Upon finalization of adoption, the term "ward" no longer applies to the adopted child, and the eligibility provisions for adopted children apply.

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